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10/053,752	01/22/2002	Edward A. Talbacka	TALB-002	5450

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,752

Applicant(s)

TALBACKA, EDWARD A.

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: _____

DETAILED ACTION

This is a first office action for serial number 10/053752, entitled Drywall Butt Joint System, filed on January 22, 2002.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, within claims 1, 10, 11 and 19, an obtuse angle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

✓ The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "said inner surface" in line 26. There is insufficient antecedent basis for this limitation in the claim. Since this limitation was not previously described within the independent claim 20, it therefore lacks antecedent basis. It is suggested that the applicant state that "said inner surface" be changed to "an inner surface" to get passed the rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Klamer, US patent # 6,108,990.

Klamer discloses the claimed invention a drywall butt joint system (10 – figure 1) comprising a middle section (15) comprised of an elongate structure having an inner surface (where 15 points to) and an outer surface (see attached figure 1), wherein the inner surface is positioned in opposition to the drywall sheets (18, 20), first and second angled sections (see attached figure 1) extending from opposing edges of the middle section (by 12 and 14) at an obtuse angle (see attached figure 1) with respect to the inner surface (where 15 points to), first and second sections (12, 14) extending from the angled sections respectively substantially parallel to the middle section (figure 1); the middle section (where 15 points to) has a substantially rectangular structure (figure 1); and, the obtuse angle is greater than 120 degrees (shown to be greater than 180 degrees in the attached figure 1).

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Kelly et al., US patent # 4,876,837.

Kelly discloses the claimed invention a method of manufacturing a drywall butt joint device, the method comprising the steps of providing an elongate metal sheet (10)

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and roll forming the elongate metal sheet (figures 12, 13 and 14) into a middle section (11), a first and second angled section (15) extending from opposing edges of the middle section at an obtuse angle (see attached figure 4) with respect to the inner surface (see attached figure 4), and the first and second section 922) extending from the angled sections respectively and substantially parallel to the middle section (figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 9, 10, 11, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunti, US Patent # 4,172,677 in view of Klamer, US patent # 6,108,990.

Gunti discloses the claimed invention a butt joint (10 – figures 1 and 2) comprising a middle section (12) comprised of an elongate structure having an inner surface (where 12 points to- figure 1) and an outer surface (see attached figure 1), first and second angled sections (22 – figure 1, 62 – figure 2) extending from opposing edges of the middle section (12) at an obtuse angle (see attached figure 1) with respect to the inner surface (where 12 points to – figure 1), first and second sections (20 – figure 1, 60 – figure 2) extending from the angled sections respectively substantially parallel to the middle section (figure 1); a first and second support (24) attached to the opposing outer edges of the first and second sections (20 – figure 1, 60- figure 2)

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respectively in a traverse manner, where the supports extend along an entire length of the first and second sections (figures 1 and 2); the middle section (where 12 points to) has a substantially rectangular structure (figure 1); and, the obtuse angle is greater than 120 degrees (shown to be greater than 180 degrees in the attached figure 1).

Gunti does not disclose the inner surface of the butt joint positioned in opposition to drywall sheets. Klamer teaches that it is known in the art to provide a butt joint of the above configuration as disclosed above in the 102 rejection, with drywall sheets (18, 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of Gunti's joint with the sheets of drywall (18, 20 as taught by Klamer in order to provide a joint which facilitates ready spcking of a joint of sheetrock/drywalls and to provide joint supports from the stud of the wall to a wall panel (column 1, lines 28-36).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klamer in view of Ganssle, US Patent # 4,392,336.

Klamer discloses the claimed invention as stated above in claim 1, except for the middle section, angled sections, first and second sections are comprised of a solid metal material. Ganssle teaches that it is known in the art to provide a drywall butt joint system (20) made of metal material (column 2, line 69 and column 3, line 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material to metal as taught by Ganssle's joint system with the joint system of Klamer since it is stated in column 2, lines 27-33, that the straps are

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reinforced in the central recessed portion by beading or welding reinforcing metallic material in order to resist pulling forces generated by the wallboard panels to unbend.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klamer in view of Paoletti, US Patent # 3,675,383.

Klamer discloses the claimed invention as stated above in claim 1, except for the middle section, angled sections, first and second sections are comprised of a solid plastic material. Paoletti teaches that it is known in the art to provide a drywall butt joint system (16) made of plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material to plastic as taught by Paoletti's joint system with the joint system of Klamer since it is known in the art that other suitable rigid materials could also be used such as, for example, plastic as stated in column 1, lines 66-67, and column 2, line 1, also, it would provide a clip resistant to rusting, and would be inexpensive and is readily installed on the job site (column 1, lines 27-28).

Claims 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klamer.

Klamer discloses the claimed invention as stated above in claim 1, except for the middle section has a width of at least six inches, the angle sections have a width of 0.5 inches, and the first and second sections are positioned a distance of at least 0.5 inches. It would have been an obvious matter of design choice to make the middle section with a width of at least six inches, the angle sections with a width of 0.5 inches, and the first and second sections positioned a distance of at least 0.5 inches, since

such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. It also would have been an obvious matter of design choice to modify the size of the joint system, since applicant has not disclosed that these dimensions solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the size of the joint system disclosed.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunti in view of Klamer and further in view of Ganssle.

Gunti in view of Klamer discloses the claimed invention as stated above in claims 1 and 11, except for the middle section, angled sections, first and second sections are comprised of a solid metal material. Ganssle teaches that it is known in the art to provide a drywall butt joint system (20) made of metal material (column 2, line 69 and column 3, line 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material to metal as taught by Ganssle's joint system with the joint system of Gunti in view of Klamer since it is stated in column 2, lines 27-33, that the straps are reinforced in the central recessed portion by beading or welding reinforcing metallic material in order to resist pulling forces generated by the wallboard panels to unbend.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunti in view of Klamer and further in view of Paoletti.

Gunti in view of Klamer discloses the claimed invention as stated above in claims 1 and 11, except for the middle section, angled sections, first and second sections are

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comprised of a solid plastic material. Paoletti teaches that it is known in the art to provide a drywall butt joint system (16) made of plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material to plastic as taught by Paoletti's joint system with the joint system of Gunti in view of Klamer since it is known in the art that other suitable rigid materials could also be used such as, for example, plastic as stated in column 1, lines 66-67, and column 2, line 1, also, it would provide a clip resistant to rusting, and would be inexpensive and is readily installed on the job site (column 1, lines 27-28).

Claims 7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunti in view of Klamer.

Gunti in view of Klamer discloses the claimed invention as stated above in claims 1 and 11, except for the middle section has a width of at least six inches, the angle sections have a width of 0.5 inches, and the first and second sections are positioned a distance of at least 0.5 inches. It would have been an obvious matter of design choice to make the middle section with a width of at least six inches, the angle sections with a width of 0.5 inches, and the first and second sections positioned a distance of at least 0.5 inches, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. It also would have been an obvious matter of design choice to modify the size of the joint system, since applicant has not disclosed that these dimensions solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the size of the joint system disclosed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CG.
cg
May 5, 2003



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

